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Docket No. DEP 0530

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Voellmicke et al.

Serial No. : 09/771433 ✓

Art Unit:

Filed : 01/26/01

Examiner:

For : Graft Delivery System

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August 21, 2002
(Date of Deposit)

Thomas M. DiMuro
(Name of applicant, assignee, or Registered Representative)

Thomas M. DiMuro
(Signature)

August 21, 2002
(Date of Signature)

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e)
(attached); or

☐ Please charge Deposit Account No. 10-0750/ /
the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

☐ Statement in Accordance with §1.97(e)
(attached); or

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the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/0530/TMD. This form is submitted in triplicate.

Respectfully submitted,

Thomas M. DiMauro

Thomas M. DiMauro
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DATED: 15 Aug 2002



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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 12

Application Number	09/771433
Filing Date	01/26/01
First Named Inventor	Voellmicke
Group Art Unit	
Examiner Name	
Attorney Docket Number	DEP 530

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
	AA	2,158,593		W. Scrimgeour	05-16-1939	
	AB	3,179,107		R. M. Clark	04-20-1965	
	AC	3,223,083		M. C. Cobey	12-14-1965	
	AD	4,040,420		Spencer J. Speer	08-09-1977	
	AE	4,274,163		Lawrence L. Malcom et al.	06-23-1981	
	AF	4,359,049		Heinz Redl et al.	11-16-1982	
	AG	4,362,567		Otto Schwarz et al.	12-07-1982	
	AH	4,405,249		John T. Scales	09-20-1983	
	AI	4,414,976		Otto Schwarz et al.	11-15-1983	
	AJ	4,526,303		Christopher G. C. Harrod	07-02-1985	
	AK	4,526,909		Marshall R. Urist	07-02-1985	
	AL	4,539,716		Eurgene Bell	09-10-1985	

FOREIGN PATENT DOCUMENTS

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		Office ³	Number ⁴	Kind Code ⁵				
	BA	EP	0 711 535		Osteonics Corp.	05-15-1996		
	BB	EP	0 901 773		David E. Gibbs	03-17-1999		
	BC	EP	0 955 022		Johnson & Johnson Professional Inc.	11-10-1999		
	BD	PCT	96/28117		Bd. of Rents, University of Texas	09-19-1996		
	BE	PCT	98/16267		University College Dublin	04-23-1998		
	BF	PCT	99/13805		Osteotech, Inc.	03-25-1999		
	BG	PCT	00/45870		SDGH Holdings, Inc.	08-10-2000		

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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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		Number	Kind Code ² (if known)			
	AM	4,551,135		William G. Gorman et al.	11-05-1985	
	AN	4,593,685		William F. McKay et al.	06-10-1986	
	AO	4,608,199		Arnold Caplan et al.	08-26-1986	
	AP	4,609,551		Arnold Caplan et al.	09-02-1986	
	AQ	4,625,722		William M. Murray	12-02-1986	
	AR	4,627,434		William M. Murray	12-09-1986	
	AS	4,629,455		Michio Kanno	12-16-1986	
	AT	4,631,055		Heinz Redl et al.	12-23-1986	
	AU	4,632,672		James R. Kvitrud	12-30-1986	
	AV	4,653,487		Gerhard E. Maale	03-31-1987	
	AW	4,714,457		Robert Alterbaum	12-22-1987	
	AX	4,735,616		Johann Eibl et al.	04-05-1988	

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Sheet 3 of 12

Application Number	09/771433
Filing Date	01/26/01
First Named Inventor	Voellmicke
Group Art Unit	
Examiner Name	
Attorney Docket Number	DEP 530

U.S. PATENT DOCUMENTS

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		Number	Kind Code ² (if known)			
	AY	4,743,229		George Chu	05-10-1988	
	AZ	4,751,921		Joon B. Park	06-21-1988	
	AAA	4,769,011		James R. Swaniger	09-06-1988	
	AAB	4,801,263		William C. Clark	01-31-1989	
	AAC	4,820,306		William G. Gorman et al.	04-11-1989	
	AAD	4,842,581		Richard C. Davis	06-27-1989	
	AAE	4,871,088		John P. A. Cox	10-03-1989	
	AAF	4,874,368		Curtis H. Miller et al.	10-17-1989	
	AAG	4,882,149		Myron Spector	11-21-1989	
	AAH	4,950,296		Jonathan L. McIntyre	08-21-1990	
	AAI	4,978,336		Emil E. Capozzi	12-18-1990	
	AAJ	4,979,942		Stephen J. Wolf et al.	12-25-1990	

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Sheet 5 of 12

Application Number	09/771433
Filing Date	01/26/01
First Named Inventor	Voellmicke
Group Art Unit	
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U.S. PATENT DOCUMENTS

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		Number	Kind Code ² (if known)			
	AAX	5,193,907		Giovanni Faccioli et al.	03-16-1993	
	AAY	5,197,985		Arnold I. Caplan et al.	03-30-1993	
	AAZ	5,226,877		Gordon H. Epstein	07-13-1993	
	ABA	5,226,914		Arnold I. Caplan et al.	07-13-1993	
	ABB	5,232,024		Eli Williams	08-03-1993	
	ABC	5,290,259		Dan E. Fischer	03-01-1994	
	ABD	5,314,412		Jorn Rex	05-24-1994	
	ABE	5,322,510		Andreas Lindner et al.	06-21-1994	
	ABF	5,368,563		Alan Lonneman et al.	11-29-1994	
	ABG	5,376,079		Niels E. Holm	12-27-1994	
	ABH	5,405,607		Gordon H. Epstein	04-11-1995	

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		Office ³	Number ⁴	Kind Code ⁵				

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 6 of 12	Application Number	09/771433
	Filing Date	01/26/01
	First Named Inventor	Voellmicke
	Group Art Unit	
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	Attorney Docket Number	DEP 530

U.S. PATENT DOCUMENTS

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		Number	Kind Code ² (if known)			
	ABI	5,435,645		Giovanni Faccioli et al.	07-25-1995	
	ABJ	5,443,531		Ugo Ripamonti	08-22-1995	
	ABK	5,464,396		Helmut Barta et al.	11-07-1995	
	ABL	5,474,540		Curtis Miller et al.	12-12-1995	
	ABM	5,478,323		Donald C. Westwood et al.	12-26-1995	
	ABN	5,477,987		Wilhelm A. Keller	12-26-1995	
	ABQ	5,486,359		Arnold I. Caplan et al.	01-23-1996	
	ABP	5,520,658		Niels E. Holm	05-28-1996	
	ABQ	5,558,136		Michael R. Orrico	05-28-1996	
	ABR	5,577,517		Peter M. Bonutti	11-26-1996	
	ABS	4,109,653		George Kozam et al.	08-29-1978	
	ABT	5,605,255		Guillermo Reidel et al.	02-25-1997	

FOREIGN PATENT DOCUMENTS

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Sheet 7 of 12

Application Number	09/771433
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First Named Inventor	Voellmicke
Group Art Unit	
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		Number	Kind Code ² (if known)			
	ABU	5,605,541		Niels-Erik Holm	02-25-1997	
	ABV	5,665,067		Albert Linder et al.	09-09-1997	
	ABW	5,645,729		James W. Priegnitz	07-08-1997	
	ABX	5,694,951		Peter M. Bonutti	12-09-1997	
	ABY	5,697,932		Margaret E. Smith et al.	12-16-1997	
	ABZ	5,700,289		Arnold S. Breitbart et al.	12-23-1997	
	ACA	5,718,707		W. E. Michael Mikhail	02-17-1998	
	ACB	5,718,899		Anthony George Gristina et al.	02-17-1998	
	ACC	5,772,665		Hakan Lars Christer Glad et al.	06-30-1998	
	ACD	5,810,773		Lesley Pesnicak	09-22-1998	
	ACE	5,810,885		Freddy Zinger	09-22-1998	
	ACF	5,824,084		George Frederick Muschler	10-20-1998	

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Sheet 8 of 12

Application Number	09/771433
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		Number	Kind Code ² (if known)			
	ACG	5,824,087		Richard Malcom Aspden et al.	10-20-1998	
	ACH	5,759,171		Philip H. Coelho et al.	06-02-1998	
	ACI	5,769,895		Ugu Ripamonti	06-23-1998	
	ACJ	5,788,976		David S. Bradford	08-04-1998	
	ACK	5,910,315		Sharon Stevenson et al.	06-08-1999	
	ACL	5,925,051		W.E. Michael Mikhail	07-20-1999	
	ACM	5,976,102		Gordon H. Epstein	11-02-1999	
	ACN	5,975,367		Philip H. Coelho et al.	11-02-1999	
	ACO	5,989,215		Yves Delmotte et al.	11-23-1999	
	ACP	6,001,259		Elaine Whitmore	12-14-1999	
	ACQ	6,007,515		Gordon Howard Epstein et al.	12-28-1999	
	ACR	6,019,765		Thomas Thornhill et al.	02-01-2000	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 9 of 12

Application Number	09/771433
Filing Date	01/26/01
First Named Inventor	Voellmicke
Group Art Unit	
Examiner Name	
Attorney Docket Number	DEP 530

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
	ACS	6,021,961		Daniel P. Brown	02-08-2000	
	ACT	6,045,555		Margaret E. Smith et al.	04-04-2000	
	ACU	6,049,026		George Frederick Muschler	04-11-2000	
	ACV	6,047,861		Claude Vidal et al.	04-11-2000	
	ACW	6,059,749		Gerard Marx	05-09-2000	
	ACX	6,063,055		Gordon Howard Epstein et al.	05-16-2000	
	ACY	6,086,594		Byron L. Brown	07-11-2000	
	ACZ	6,136,030		Feng-Huei Lin et al.	10-24-2000	
	ADA	6,143,030		Lisa K. Schroder	11-07-2000	
	ADB	6,116,773		William M. Murray	09-12-2000	
	ADC	6,120,174		Stephen H. Hoag et al.	09-19-2000	
	ADD	6,132,396		Richard D. Antanavich et al.	10-17-2000	

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		Office ³	Number ⁴	Kind Code ⁵				

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Sheet 10 of 12

Application Number	09/771433
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First Named Inventor	Voellmicke
Group Art Unit	
Examiner Name	
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		Number	Kind Code ² (if known)			
	ADE	6,139,509		Hansen Yuan et al.	10-31-2000	
	ADF	6,142,998		Margaret E. Smith et al.	11-07-2000	
	ADL	6,149,655		Brent R. Constantz et al.	11-21-2000	
	ADH	6,160,033		Berthold Nies	12-12-2000	
	ADI	6,176,607		Mohammed Ali Hajianpour	01-23-2001	
	ADJ	6,210,031		William M. Murray	04-03-2001	
	ADK	6,214,012		Robert R. Karpman et al.	04-10-2001	
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	ADM	6,221,029		John M. Mathis et al.	04-24-2001	
	AND	6,238,399		Mathias Heller et al.	05-29-2001	
	ADO	6,254,268		Jack F. Long	07-03-2001	
	ADP	6,264,660		Joachim Schmidt et al.	07-24-2001	
	ADQ	6,273,916		Kleran Murphy	08-14-2001	

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Sheet 11 of 12

Application Number	09/771433
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First Named Inventor	Voellmicke
Group Art Unit	
Examiner Name	
Attorney Docket Number	DEP 530

U.S. PATENT DOCUMENTS

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		Number	Kind Code ² (if known)			
	ADR	2001/0016703		John Wironen et al.	08-23-2001	
	ADS	6,293,971		Carl Nelson et al.	09-25-2001	
	ADT	6,302,574		Kwan-Ho Chan	10-16-2001	
	ADU	6,309,395		Margaret F. Smith et al.	10-30-2001	
	ADV	6,309,420		Howard Preissman	10-30-2001	
	ADW	2001/0037091		John F. Wironen et al.	11-01-2001	
	ADX	6,312,149		Peter Ake Sjoval et al.	11-06-2001	
	ADY	2002/0010471		John F. Wironen et al.	01-24-2002	
	ADZ	2002/0010472		Stephen D. Kuslich et al.	01-24-2002	
	AEA	2002/0013553		Heinrich Pajunk et al.	01-31-2002	
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		Office ³	Number ⁴	KindCode ⁵				

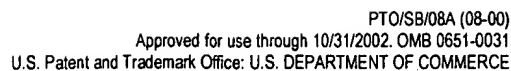
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Application Number

Filing Date

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